



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,070	07/02/2003	Robert Charles Monsen	CISCO-7984	6556
49715	7590	05/30/2008		
CISCO - THELEN REID BROWN RAYSMAN & STEINER LLP			EXAMINER	
P.O. BOX 640640			BLACK, LINH	
SAN JOSE, CA 95164-0640				
		ART UNIT	PAPER NUMBER	
		2163		
		MAIL DATE	DELIVERY MODE	
		05/30/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/614,070

Applicant(s)

MONSEN ET AL.

Examiner

LINH BLACK

Art Unit

2163

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-15 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 915, 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by King et al. (US 5537592).

As per claims 9, 13, 20-21, 24, King et al. teach scanning a nonvolatile memory medium to find a first memory block containing a header indicating that the first memory block is the first memory block of an existing file stored on said the nonvolatile memory medium – fig. 22; col. 11, line 2-67; col. 17, line 9-45.

finding a next memory block using a next block pointer stored in the header of the first memory block, if the existing file comprises more memory blocks than the first memory block, said the existing file being opened upon completion of said the finding – col. 7, last paragraph; col. 10, line 54 to col. 11, line 20; col. 19, last par.

As per claims 10, 25, King et al. teach repeating the finding step until either all memory blocks comprising the file have been found or an error condition occurs – figs. 24-26; col. 13, lines 24-50; col. 17, line 19 to col. 18, last par.

As per claims 11, 14-15, King et al. teach scanning a nonvolatile memory medium in sizes of one predetermined logical block, the nonvolatile memory medium storing an existing file – col. 6, lines 18-65; col. 11, lines 11-57; col. 28, lines 32-50.

for each logical block, reading a block header containing a magic number – fig. 24; col. 6, 1st paragraph (OEM field is equivalent to a status field or “magic number” because OEM field would either has characters, blanks or the “.”); col. 10, 1st paragraph (each segment includes a status field which indicates whether the segment is being used)

testing the magic number to determine whether the logical block is a valid block or a free block, and if the logical block is a valid block, performing a comparison of a file name encoded within the block header with a specified file name to be opened – col. 7, last par.; col. 19, 1st and last paragraphs.

testing a flag within the block header to determine whether the logical block is the first block of the existing file, if the comparison produces a match – col. 5, last par. to col. 6, 1st paragraph; col. 16, last par to col. 17, line 45.

returning to said the scanning step with the next logical block until either the comparison produces a match or all the blocks have been tested, thereby

indicating an error condition; said the existing file being opened if said the comparison produces a match – col. 15; col. 19, last par.

As per claims 12, 22-23, King et al. teach

scanning a nonvolatile memory medium in sizes of one predetermined-sized logical block; the said nonvolatile memory medium for storing a new file – col. 6, lines 18-65; col. 9, lines 32-55; col. 18, last par. to col. 19, 1st par.

for each logical block, reading a block header containing a magic number - fig. 24; col. 6, 1st paragraph (OEM field is equivalent to a status field or "magic number" because OEM field would either has characters, blanks or the "."); col. 10, 1st paragraph (each segment includes a status field which indicates whether the segment is being used)

testing the magic number to determine whether the logical block is a valid block or a free block - col. 7, last par.; col. 19, 1st and last paragraphs.

and if the logical block is a free block, modifying its block header to comprise a valid magic number, the name of the new file to be opened, and flags indicating whether the logical block is either the first block or the last block of the new file – col. 5, last par. to col. 6, 1st par.; col. 22, 1st par.; col. 11, lines 20-67; col. 13, lines 20-50.

returning to said the scanning step with the next logical block until either the testing step has identified a free block or all the blocks have been tested, thereby indicating an error condition, the new file being opened if the testing step has identified a free block - col. 15; col. 19, last par.

Response to Arguments

Applicant's arguments with respect to claims 9-15, and 20-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LINH BLACK
Examiner
Art Unit 2163

May 12, 2008

/don wong/
Supervisory Patent Examiner, Art Unit 2163